

ORDINANCE NO. 3916

**AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, AUTHORIZING THE ACQUISITION BY
NEGOTIATION OR CONDEMNATION OF REAL
PROPERTY INTERESTS NEEDED FOR THE *FIVE
CORNERS ROUNDABOUT PROJECT*.**

WHEREAS, the City of Edmonds (the “City”) is working to plan, design and construct the *Five Corners Roundabout project*, which consists of installing a single lane roundabout with new sidewalk, curb and gutter, streetlights, splitter islands, and streetscape improvements; converting all overhead utility lines within the intersection to underground; and waterline replacements and stormwater improvements (collectively, the “Project”); and

WHEREAS, the City issued a SEPA Determination of Non-significance, which threshold determinations are final; and

WHEREAS, in order to carry out the Project, the City must obtain land and/or property rights, including any necessary easements and/or rights-of-way in or along 212th St. SW, Main St, 84th Ave. W, and Bowdoin Way; and

WHEREAS, the City is the lead agency for the Project, and is responsible for obtaining all necessary land and property rights for the Project; and

WHEREAS, pursuant to State and Federal policies and regulations, the City is acquiring real property rights, including necessary fee simple titles, easements and rights-of-way, through negotiations with property owners in or along 212th St. SW, Main St., 84th Ave. W, and Bowdoin Way, as a result of the Project; and

WHEREAS, if the City is unable to acquire the necessary land and/or property rights, such as fee simple titles, easements and rights-of-way, in a timely manner, the City must file a petition in eminent domain (condemnation petition) in order to meet the funding and construction deadlines for the Project; and

WHEREAS, the City is authorized by Chapter 35A.64 RCW to exercise the power of eminent domain pursuant to Chapters 8.12 and 8.28 RCW;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDMONDS,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as if

set forth in full herein.

Section 2. Acquisition of Real Property. The rights and interests in the real property described on Exhibits 1 through 4 ("Property"), attached hereto and incorporated herein by reference, is necessary for the construction of the ***Five Corners Roundabout Project***, and is condemned, appropriated, taken and damaged in fee, easement and/or right-of-way for public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 3. Source of Funds. The cost and expense of acquiring all rights and interests in the Property shall be paid for from Congestion Mitigation and Air Quality (CMAQ) grant and City Transportation (Fund 112) funds.

Section 4. Condemnation Authorization. City staff, the City Attorney, and City consultants for the Project have been negotiating with the property owners to obtain land / property rights. They have been authorized and directed to enter into any and all negotiations and agreements necessary to acquire the interests in the Property as described in Exhibits 1 through 4. If such negotiations fail to acquire such interests in the Property in a timely manner, as determined by the Mayor, the City Attorney is authorized to prosecute proceedings provided by law to condemn, appropriate and take the Property and carry out the provisions of this Ordinance.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY



JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	03-15-2013
PASSED BY THE CITY COUNCIL:	03-19-2013
PUBLISHED:	03-24-2013
EFFECTIVE DATE:	03-29-2013
ORDINANCE NO. 3916	

SUMMARY OF ORDINANCE NO. 3916

of the City of Edmonds, Washington

On the 19th day of March, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3916. A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3916

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE ***FIVE CORNERS ROUNDABOUT PROJECT***.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of March, 2013.



CITY CLERK, SANDRA S. CHASE

Exhibit 1

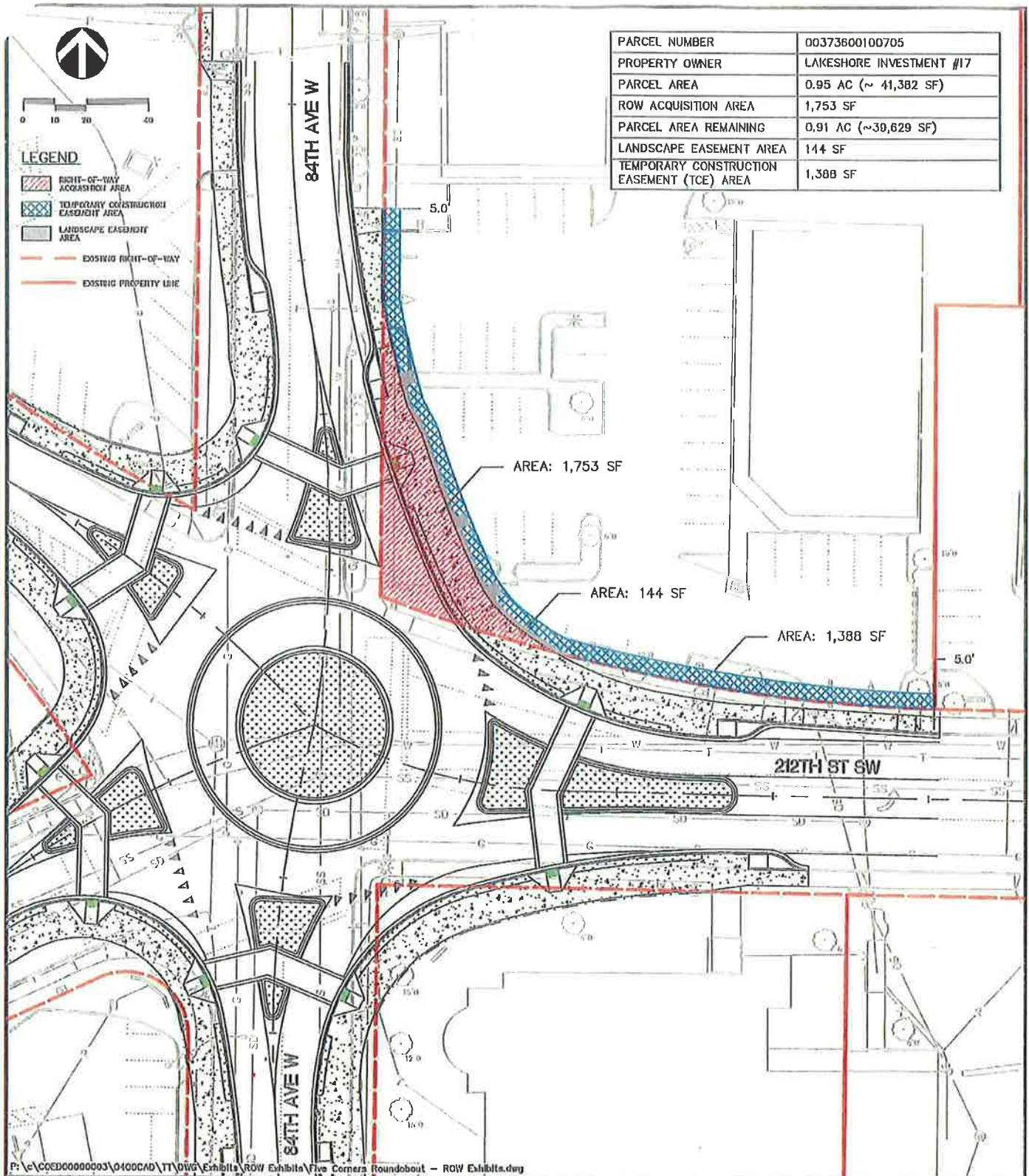
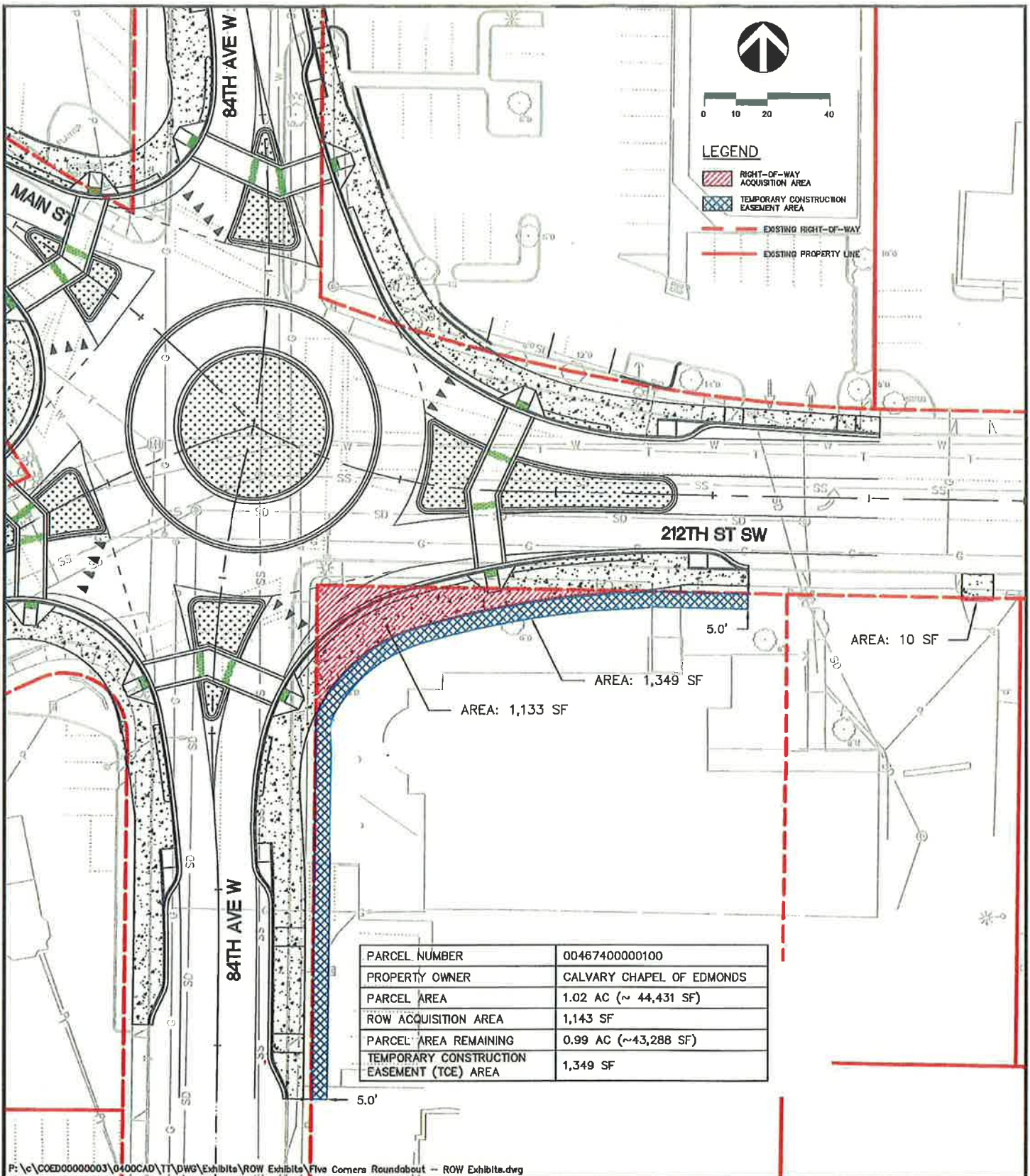


Exhibit 2



PARCEL NUMBER	00467400000100
PROPERTY OWNER	CALVARY CHAPEL OF EDMONDS
PARCEL AREA	1.02 AC (~ 44,431 SF)
ROW ACQUISITION AREA	1,143 SF
PARCEL AREA REMAINING	0.99 AC (~43,288 SF)
TEMPORARY CONSTRUCTION EASEMENT (TCE) AREA	1,349 SF



CITY OF EDMONDS

ENGINEERING DIVISION

FIVE CORNERS ROUNDABOUT INTERSECTION IMPROVEMENT PROJECT

RIGHT-OF-WAY EXHIBIT

FEDERAL AID NO. CM-2512(007)

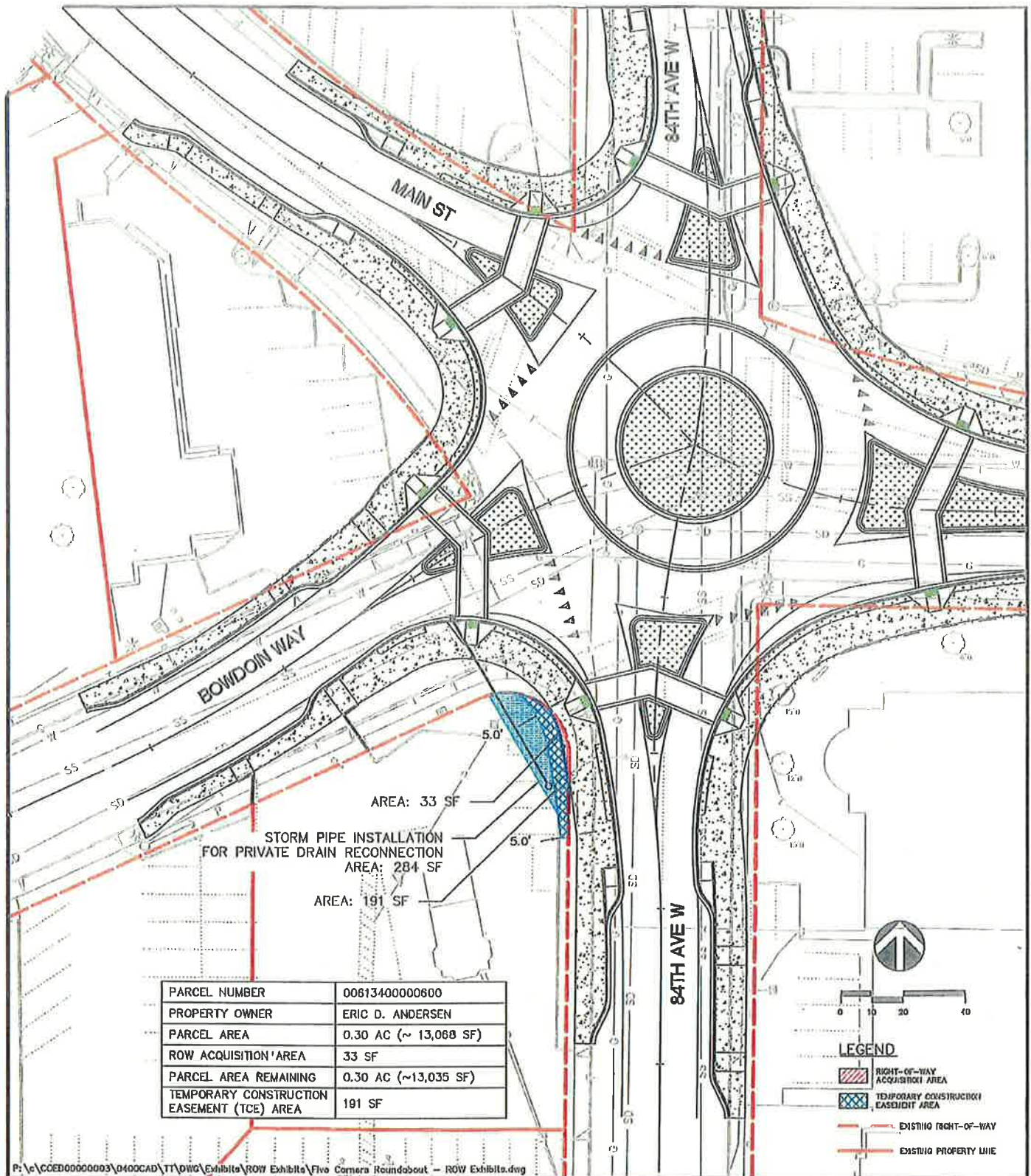
DRAWN BY: K. POTUZAK

DATE: 3/07/2013

SCALE: AS NOTED

SHT: 1 OF 1

Exhibit 3



CITY OF EDMONDS

ENGINEERING DIVISION

FIVE CORNERS ROUNDABOUT INTERSECTION IMPROVEMENT PROJECT

RIGHT-OF-WAY EXHIBIT

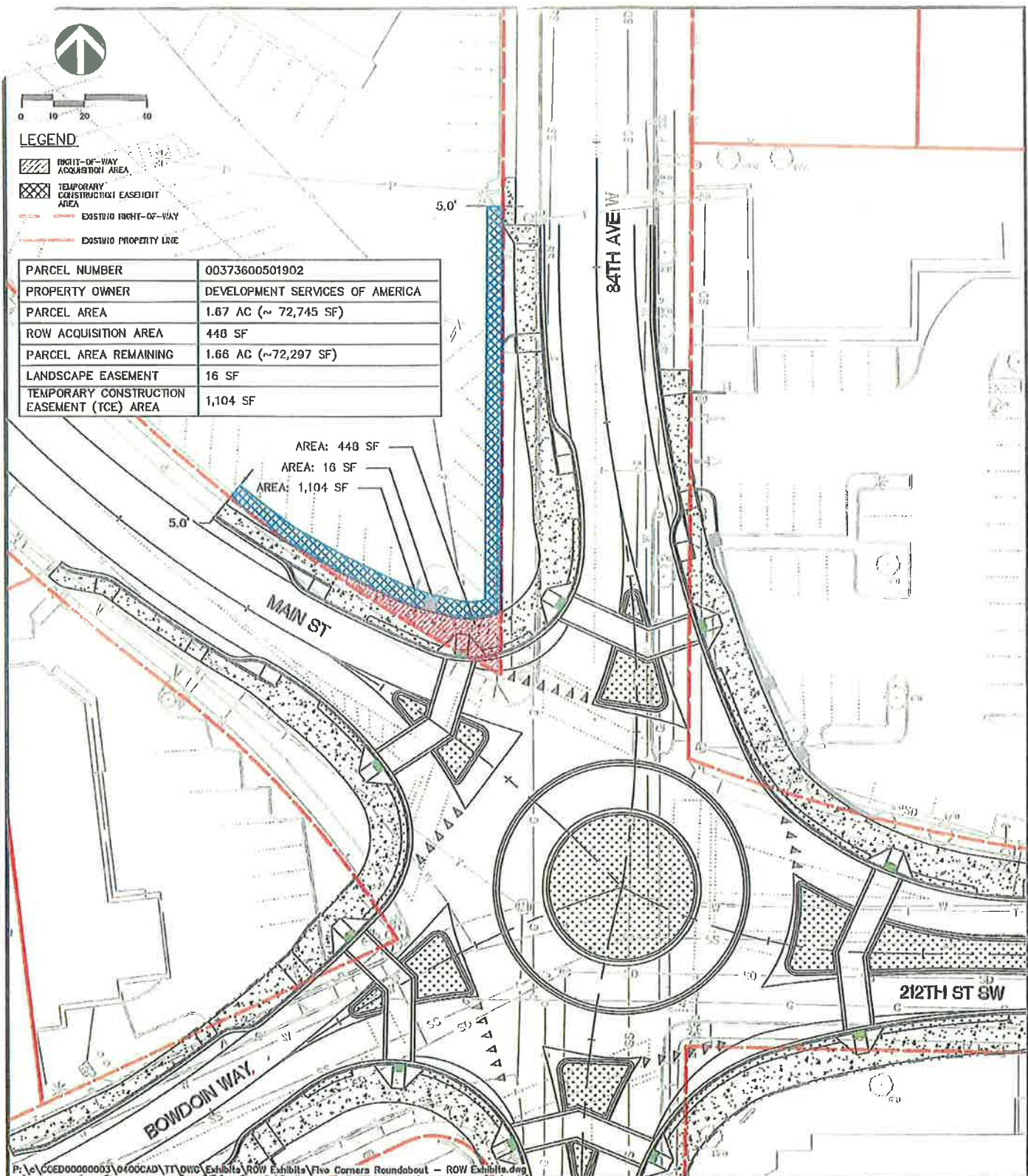
FEDERAL AID NO. CM-2512(007)

DRAWN BY: K. POTUZAK

DATE: 12/11/2012

SCALE: AS NOTED

SHT: 1 OF 1



CITY OF EDMONDS

ENGINEERING DIVISION

FIVE CORNERS ROUNDABOUT INTERSECTION IMPROVEMENT PROJECT

RIGHT-OF-WAY EXHIBIT

FEDERAL AID NO. CM-2512(007)

DRAWN BY: K. POTUZAK

DATE: 12/11/2012

SCALE: AS NOTED

SHT: 1 OF 1

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

SUMMARY OF ORDINANCE NO. 3916
of the City of Edmonds, Washington
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ORDINANCE NO. 3916
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE FIVE CORNERS ROUNDABOUT PROJECT.
The full text of this Ordinance will be mailed upon request.
DATED this 20th day of March, 2013.
CITY CLERK, SANDRA S. CHASE
Published: March 24, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3916

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

March 24, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Ziemer

Principal Clerk

Subscribed and sworn to before me this

25th

day of March, 2013

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

